

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

ROBERT RUSSELL, individually

Plaintiff,

V.

JOSEPH SAMEC, individually: SEAN

BISHOP, individually: AND DOES 1-10

Defendants

Case No.: 2:20-cv-00263

DEFENDANT, JOSEPH SAMEC'S MOTION
TO DISMISS FOR LACK OF SUBJECT
MATTER JURISDICTION 28 U.S.C. 1332
(A)(1)

NOTICE OF MOTION AND MOTION TO DISMISS

Defendant, Joseph Samec (Mr. Samec) respectively moves to dismiss Robert Russell's complaint (Case No; 2;20-cv-00263) for DEFAMATION, OUTRAGE, TORTIOUS INTERFERENCE, FALSE LIGHT, AND INJUNCTIVE RELIEF, on May 1, 2020 in the United States District Court, Western District of Washington at Seattle, because this court lacks subject matter jurisdiction under 28 U.S.C. 1332(a) (1).

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OF SUBECT MATTER JURISDICTION
28 U.S.C. 1332

JOSEPH SAMEC, PRO PER
838 NORTH CHARTER DR.
COVINA, CA 91724
626-482-6173

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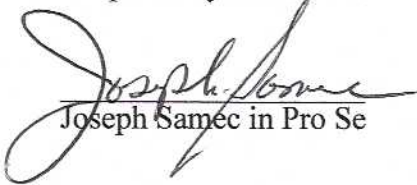
NOTICE OF MOTION AND MOTION TO DISMISS

PLEASE TAKE NOTICE that on Friday, May 1, 2020, or as soon thereafter as the matter may be heard before Honorable Judge, Ricardo S. Martinez, in the United States District Court for the Western District of Washington, Defendant, Joseph Samec, will and hereby does move the court to dismiss the action pursuant to Rule 12(b)(1) and (6) of the Federal Rules of Civil Procedure.

This motion is made on the grounds that the court lacks jurisdiction over the subject matter of this action against Defendant and that the complaint, including the claims for relief asserted therein, fails because (1) this court lacks subject matter jurisdiction to oversee this case, and (2) Plaintiff lacks standing. The motion will be based on this Notice of Motion and Motion, the accompanying Memorandum of Points and Authorities, exhibits filed herewith, and any testimonial or declarative evidence the court may require.

Dated: April 9, 2020

Respectfully Submitted


Joseph Samec in Pro Se

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STATEMENT OF ISSUES TO BE DECIDED

1. Has Plaintiff established diversity amongst the parties as required under 28 U.S.C. §1332?
2. Has the required \$75,000+ threshold amount in controversy been pleaded on the face of the complaint?
3. Does Plaintiff have standing to bring suit for alleged losses attendant to Green Acres Farms and Grandview Live?

I. STATEMENT OF FACTS

1. Feb. 20, 2020 Plaintiff, Robert Russell, filed the instant complaint against Joseph Samec, Sean Bishop and DOES 1-10 claiming this court has original jurisdiction pursuant to 28 U.S.C. § 1332(a)(1), which reads, in pertinent part:

“The district courts shall have original jurisdiction of all civil actions where the matter in controversy exceeds the sum or value of \$75,000, exclusive of interests and costs, and is between—

(1) Citizens of different states.

(2) ****;

(3) ****.

(4) ****.”

A.: **Matter in Controversy**

2. In attempting to meet the requirement for amount in controversy in excess of \$75,000, Plaintiff claims to have initially expended in excess of \$1,500,000 (one million, five hundred thousand dollars in order to build out a marijuana cultivation facility (Complaint, page 2,

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Line 16-18) and that he: believes his initial personal investment was well in excess of \$1,500,000.” (Page 3, Line 13). and that “the total spent to build the later out to the entire 10,000 square feet was \$3,000,000 including \$1,400,000 received from one or more investors in order to expand the facility (Complaint, Page 3, Lines 8-19). Nowhere in the complaint is it stated that the facility ever profited by even one penny.

3. Plaintiff admits, (Complaint, Page 6, Line 8-10), that he was forced to shut down the cannabis business (Green Acre Pharms, LLC) as a result of an investigation by the Washington State Liquor and Cannabis Board (LCB) when the investigation uncovered the fact that Plaintiff comingled personal assets with those of the corporation. Yet, Plaintiff attempts to hold Mr. Samec liable for Plaintiff’s own wrongdoing to somehow justify the instant defamation suit against Mr. Samec. Attempting to bolster his claim, Plaintiff states: “Samec, as an example, complained to the Washington State Liquor and Cannabis Board (“LCB”) that Russell stole his money in a Ponzi scheme.”¹ (Complaint, Page 6, Lines 5, 6). In making this claim, Plaintiff skims over the fact that the LCB investigation led to the discovery of Plaintiff’s own unlawful actions that constituted the basis for the closure of the marijuana enterprise.

4. Plaintiff further claims that Defendants, Samec and Bishop, “interfered with Russell’s attempt to secure investors to develop mineral rights in a Washington property. This allegation is made “on information and belief” and further claims that, as a result, he (Russell) “lost the

¹On January 21, 2020, in Case No: 8:20-cv-00124, the U.S. Securities and Exchange Commission filed a formal complaint against Robert Russell, and Guy Griffith, et al and charging each of them with, among other things, running a PONZI scheme and defrauding investors out of approximately \$4.85 million. (See “EXHIBIT 1,” January 21, 2020 SEC Press Release
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multi-million dollars investment” (Complaint, Page 6, Lines 15-20).

5. Plaintiff goes on to allege that Bishop—with no mention of Samec—“sought to convince prospective customers to avoid Russell’s Florida entertainment club by falsely claiming Russell had stolen money from a disabled individual and would steal his money, too.” (Complaint, page 6, Lines 21-23). No allegation was made that defendant Samec was involved in any way with this activity.

B: Diversity of Citizenship

In order establish diversity of citizenship requirement, Plaintiff lists, on Page 1, Line 23-26, the cities and states of residence for each party allegedly involved, as:

- “1. Robert Russell is and individual who resides in King County, Washington.
2. Joseph Samec is an individual who resides in Covina, California
3. Sean Bishop is an individual who, on information and belief, resides in Port Orange, Florida.
4. John Does are individuals and/or entities that have made or aided in making defamatory statements about Russell.”

II. MEMORANDUM OF POINTS AND AUTHORITIES

A. Legal Standard for Motion to Dismiss

Under Rule 12(b)(1) of the Federal Rules of Civil Procedure the district court must dismiss a complaint that lacks subject matter jurisdiction. This occurs when the Plaintiff cannot establish standing under the Article III “Case or Controversy” requirement of the U.S. Constitution Cetacea Community v. Bush, 386 F3d 1169, 1 (9th Cir. 2004). Once a party has moved to dismiss for lack of subject matter jurisdiction under Rule 12(b)(1) the burden of proof falls on the opposing party to establish the court’s jurisdiction Chandler v. State Farm Mut. Auto

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1 Ins. Co 598 F3d 1115, 1122 (9th Cir. 2010).

2 **B.: Timeliness**

3 It is well settled that the issue of subject matter jurisdiction may be raised at any time
 4 during the litigation,: ""The defense of lack of subject matter jurisdiction cannot be waived, and
 5 the court is under a continuing duty to dismiss an action whenever it appears that the court lacks
 6 jurisdiction." Augustine v. United States, 704 F.2d 1074, 1077 (9th Cir. 1983). *See also*, Arbaugh
 7 v. Y&H Corp., 126 S. Ct. 1235 (2006). "The objection that a federal court lacks subject-matter
 8 jurisdiction. . . *may be raised at any stage in the litigation*, even after trial and the entry of
 9 judgment, Rule 12(h)(3)." (emphasis added); Elvig v. Calvin Presbyterian Church, 375 F.3d 951,
 10 955 n.2 (9th Cir. 2004) (citing Augustine, 704 F.2d at 107, n.3): "The matter of subject matter
 11 jurisdiction . . . may be raised by the parties at any time."

12 **C.: Plaintiff has Failed to Establish in the Threshold Amount in Controversy**

13 As noted supra, in order to bring a diversity action to this court, the amount in
 14 controversy must exceed \$75,000. It is submitted Plaintiff has failed to meet this requirement.

15 **(1). Marijuana Operation.**

16 **(a) Any losses related to the marijuana farm allegedly suffered by Plaintiff are a**
 17 **result of his own wrongdoing**

18 The only actual dollar amounts Plaintiff cites in his complaint (\$3,000,000 +) refer to
 19 money invested by Plaintiff and one or more investors to build out the marijuana growing facility.
 20 (Complaint, P.2, L17,18; P.3, Lines 1 thru 19). These numbers are irrelevant to any the damage
 21 amount Plaintiff did, or did not, suffer as a result of Defendants' alleged wrongdoing.

22 Plaintiff glosses over the fact the closure of Plaintiff's marijuana operation was a direct
 23 result of his own wrongdoing, to wit: that the closure of his marijuana enterprise came as a
 24 direct result of his own comingling of his personal funds with those of his LLC, not as a result of

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any alleged defamation (Complaint, P. 6, Lines. 8, thru 10). For Plaintiff to now claim in a formal complaint that Defendant, Joseph Samec, is somehow civilly liable for supplying information to a government agency that ultimately lead to the discovery of Plaintiff's unlawful activities strains the bounds of credulity.

(b) Plaintiff lacks standing to bring suit for any losses allegedly suffered by Green Acres Pharms.

At all times relevant to this complaint, Plaintiff's business (Green Acres Pharms) was, prior to its termination an LLC (U.B. #604-093-783) with a Principle Office Address of 30251 Golden Lantern, Ste. E405, Laguna Niguel, CA 92677. ("EXHIBIT 2," California Secretary of State Business Search Results).

As a corporation, Green Acres Pharms is legally a separate entity. Ding v. Commissioner of Internal Revenue 200 F.3d 587,589-90 (9th Circuit 1999). As a separate entity Green Acres Pharms may have standing to sue, but certainly not Robert Russell. As a Corporation domiciled in California, Green Acres Pharms, Inc. is a citizen of California 28 U.S.C. 1332 (c) (1). Because Green Acres Pharms is citizen of California, there can be no diversity of citizenship under 28 U.S.C. 1332 (a) (1) if Defendant, Joseph, is a citizen of the same state. Therefore, any suit brought on behalf of Green Acres Pharms against Defendant, Joseph Samec, must be brought in California state court.

(2). Mineral Rights Investors

(a) Plaintiff has failed to establish any monetary loss in his alleged attempts to secure investors to purchase mineral rights.

Plaintiff claims on P.6, Lines 15-20 of his complaint that Defendant(s) somehow were responsible for an alleged loss of a "multi-million dollars investment." However, Plaintiff's own words, referencing his *attempts* to secure investors expose the fact that his claim of having lost

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multi-millions of dollars is merely speculative. Nowhere in his claim does he reference any success in garnering any actual substantive agreement, contract, or other obligation with anyone willing to invest in any development of mineral rights on some unidentified property. It is there for submitted Plaintiff's estimate of "multi-million" dollars in investment money is nothing more than speculation mixed with wishful thinking, dependent on the "New York investors" final determination whether to invest in the development of minerals on Plaintiff's property.

Plaintiff's own claim that he "lost the multi-million-dollar investment" is self-defeating. At no point does Plaintiff claim the investment amounts were meant for him personally. Nor does he claim any sale of said rights fell through as a result of Defendant[s] alleged "intentional interference." Plaintiff does admit, however, that he was attempting (trying) to secure investors, not purchasers. Yet, Plaintiff, in his attempts to meet the \$75,000+ threshold claims he somehow lost "multi-millions" of dollars. This begs the question: did Plaintiff intend to treat the investment money—if he were to receive any at all—as his own, much as the United States Securities and Exchange Commission claims, he has a history of doing? (See EXHIBIT 1: Securities and Exchange Commission v. Guy Scott Griffiths, Robert William Russell, et al. Case No. 8:20-cv-00124 (C.D. Cal. Filed January 21, 2020).

By Plaintiff own words, was merely attempting to secure investors in a transaction that, nowhere in the complaint is it stated was guaranteed to pay off at all. It is submitted that there exists no other way to view Plaintiff's claim of a multi-millions dollar loss than as pure speculation at best, much akin to claiming a multi-million dollars loss because he did not buy a lottery ticket.

(3). Florida Entertainment Club

(a) Plaintiff's allegation the co-defendant, Sean Bishop, sought to dissuade prospective customer from patronizing Plaintiff's strip club is unpersuasive.

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Plaintiff claims on Page 6, Lines 21- 23 of the complaint that co-defendant, Sean Bishop, “sought to convince prospective customers to avoid Russell’s Florida entertainment club” by allegedly making certain false claims pertaining to Plaintiff’s honesty. Nowhere in the allegation does Plaintiff claim Sean Bishop was successful, only that he “sought to convince****.” Nowhere in the complaint is it determined that any of the customers Sean Bishop allegedly spoke with were anything more than “prospective customers.” Nowhere in the complaint does Plaintiff even claim he lost any money at all as a result of Sean Bishop’s alleged actions.

(b) Plaintiff lacks standing to file suit for any losses allegedly suffered by the Florida entertainment club

Additionally, Plaintiff’s “entertainment club” (“Grandview Live”) is an alter-ego for a corporation (DBPR-2D2G Corp. and is doing business as “Grandview Live.” (See EXHIBIT 3”: License details of Grandview Live) Therefore, as discussed supra, Plaintiff has no standing to bring a damage claim based on alleged actions by Defendants that may or may not have directly affected DBPR-2D2G Corp. Finally, because DBPR-2D2G Corp. dba Grandview Live is a business located in Florida, and because Plaintiff claims Defendant, Sean Bishop has at least minimum contacts (“resides”) in the state of Florida, any suit brought by DBPR-2D2G Corp., particularly on behalf of Grandview Live, is properly a state court issue and should be brought in Florida state court.

D. Plaintiff has Failed to Establish Diversity

As stated, supra, Diversity can only be established when the \$75,000+ threshold dollar amount is met, and the suit is between parties who are citizens of different states. 28 U.S.C. § 1332 (a)(1), Defendant, Joseph Samec, submits Plaintiff has failed to meet this requirement.

(1). Residency vs. Citizenship

Fatal to Plaintiff’s claim of diversity is that, with the exception of “John Does 1-10”

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wherein no residence or citizenship is identified, he cites the city and state of each party's residence. Domicile, not residency, is the determining factor necessary for diversity jurisdiction. "[T]he diversity jurisdiction statute 28 U.S.C. §1332 speaks of citizenship, not of residency. To be a citizen of a state a natural citizen must first be a citizen of the United States." Katner v. Lambert 265 F.3d. 853, 857 (9th Cir., 2001). Citing Newman-Green, Inc v. Alfonzo-Larrain, 490 U.S. 826, 828 (1989). The natural person's state citizenship is then determined by her state of domicile, not her state of residence." *id.* In Katner the 9th circuit appellate court held that the failure to specify state citizenship "was fatal to the assertion of Diversity Jurisdiction." *id.* at 858. It is doubtful the same court that decided Katner would hold differently in the present case where Plaintiff has listed only residences and, in so doing, has failed to establish citizenship.

III. ARGUMENT

A. Defendant has met his burden of proof to establish the amount in controversy does not exceed \$75,000.

(1). Burden of Proof:

As noted in Geographic Expeditions, Inc. v. Estate of Lhotka, 599 F.3d. 1102 (9th Cir. 2010): "Where the plaintiff originally files in federal court the amount in controversy is determined from the face of the pleadings" *id.* at 1106. (Citing Crum v. Circus Circus Enterprises 231 F.3d. 1129, 1131 (9th Cir. 2000)). "The amount in controversy alleged by the proponent of federal jurisdiction—typically the plaintiff in the substantive dispute—controls so long as the claim is made in good faith. *id.* "To justify dismissal, it must appear to a legal certainty that a claim is really for less than the jurisdictional amount. (internal quotation omitted). This is called the 'legal certainty standard', which means a federal court has subject matter jurisdiction unless 'upon the face of the complaint, it is obvious that the suit cannot involve the

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necessary amount.’ Exhibitions at 1106 citing St. Paul Mercury Indemnity Co. v. Red Cab Co., 303 U.S. 283, 292, (1938).

In the present case, it is submitted the “legal certainty” standard is satisfied because Plaintiff has failed to establish any amount in controversy:

(a) Plaintiff has failed to establish Defendant is responsible for any losses Plaintiff allegedly suffered by the closure of the marijuana farm:

Plaintiff’s apparent claim that he should recover an untold amount from the loss of his marijuana business is without merit. Although he alleges, he and Guy Griffithe invested in excess of three million dollars (\$3,000,000) to develop the operation, he fails to establish any dollar amounts lost from its closure as a result of Defendant’s alleged wrongdoing, nor does he cite any wrongdoing at all by Defendant regarding the LCB investigation. This oversight pales in comparison, however, in his attempt to claim Defendant is somehow civilly liable for any lost income due to its closure. It would be ludicrous to believe that a whistleblower who reports wrongdoing to a government agency, thereby igniting an investigation wherein a different type of wrongdoing is discovered, could be found civilly liable for defamation. It matters not the basis of the complaint to the LCB, or whether Plaintiff’s wrongdoing was reported by Defendant, Samec, or one of the several Doe defendants captioned in this suit. The closure of the marijuana operation was a direct result of Plaintiff’s unwillingness to abide by the simplest of regulations regarding the management of a corporation, or LLC. Defendant may or may not have been the whistle blower, that is immaterial. What is material is that the closure of the marijuana farm is a self-created hardship. Plaintiff, himself brought about the downfall of his business.

Because, Green Acres Pharms was an LLC, any losses it may have suffered are Green Acres Pharms losses, not Plaintiff’s personal losses. Therefore, Plaintiff does not have standing to bring this suit.

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1 Because, Green Acres Pharms principle office address is in California, the same state in
 2 which defendant, Joseph Samec has at least minimum contacts. Any diversity claim regarding
 3 Green Acres Pharms under 28 U.S.C. §1332 (a) (1) is defeated. Therefore, Plaintiff cannot claim
 4 any losses allegedly suffered by Green Acres Pharms.

5 **(i) Plaintiff lacks standing to assert any cause of action on behalf of the**
 6 **marijuana farm.**

7 Because the marijuana farm is an LLC. Therefore, it is a legal separate entity. Therefore,
 8 Plaintiff lacks standing to bring suit on its behalf.

9 **(ii) This court does not have jurisdiction to hear a case between the**
 10 **marijuana farm and Defendant, Joseph Samec,**

11 Even if, arguendo, Plaintiff could bring suit on behalf of the marijuana farm. There is no
 12 diversity of parties because the marijuana farm is an LLC with a principle place of business in
 13 California, and Defendant, Joseph Samec has at least minimum contacts with California, therefor
 14 there is no diversity of parties.

15 **(b) Plaintiff has failed to establish any dollar amount suffered by the**
 16 **withdraw of the alleged mineral rights investors**

17 Plaintiff is unable to prove any monetary loss resulting from the alleged phone calls he
 18 claims were placed to prospective investors by Defendants Samec and Bishop. Nowhere on the
 19 face of the complaint does the Plaintiff cite any evidence at all, let alone any credible evidence,
 20 that the alleged mineral deposits were already paying off, or would pay off in the future, or that
 21 he had, himself invested anything. Nowhere on the face of the complaint does Plaintiff allege
 22 any contract was executed by any of the alleged "investors." Nor did Plaintiff state any dollar
 23 amount he allegedly lost as a result of the potential investors losing interest, if, in fact, there was
 24 any interest to begin with. Instead, Plaintiff laments the alleged "fact" that "Russell lost the

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multi-million dollars investment.” This contention falls apart on at least two levels: 1st.: By Russell’s own words, he was at the time of the alleged interference by Defendant’s Samec and Bishop, attempting to secure investors. Nowhere in the complaint does Russell state that he had actually secured any investors. Therefore, any claimed losses are merely speculative.: 2nd.: The alleged investment money was not his to lose. From his own words, the investment money was to go “toward mineral rights in a Washington property,” not to him personally. By his own words the money was to be used as an investment toward the development of mineral rights, not to go into his bank account. It is submitted this is the same mindset that has led to the U.S. Security and Exchange Commission to charge him with defrauding investors in the marijuana farm scheme. Finally, nowhere in the complaint does Russell state the property was his, or that he had secured a contract for its purchase this should not be assumed. Nor did he claim to have invested any of his own money toward the purchase, lease, or development of the alleged mineral-rich property.

Plaintiff’s claims of loss are, at best, merely speculative. Nowhere on the face of the complaint can it be determined that Plaintiff lost any money.

(c) Plaintiff’s alleged losses pertaining to the Florida entertainment club are purely speculative

As noted, supra, (P. 8, Lines 1-8) Plaintiff claims Defendant, Bishop “sought to convince prospective customers to avoid Russell’s entertainment club. Nowhere in the complaint is it stated that Bishop succeeded in turning any customers away, or that any of the “potential customers” were at any time interested in patronizing his strip club. Nowhere in the complaint does Russell cite—or even estimate—a specific dollar amount lost by Bishop’s alleged attempt to undermine the business dealings of the “entertainment club.” Therefore, it is submitted, any loss claimed by Plaintiff constitutes nothing more than unfounded supposition.

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(d) Plaintiff lacks standing to assert any cause of action on behalf of the Florida Entertainment club

Finally, as noted, supra (P. 8, Lines 11-13) Russell's "entertainment club," Grandview live, is an alter ego for DBPR-2D2G Corporation, doing business as "Grandview Live." With an address in Daytona Beach Florida. Because DBPR-2D2G is a Corporation, and therefore a separate entity, and because "Grandview Live" is situated in Florida, wherein Plaintiff contends Defendant, Sean Bishop, has at least minimum contacts, Plaintiff, Robert Russell, has no standing to bring an action claiming any losses suffered by Grandview Live in this court.

IV. CONCLUSION

Plaintiff, Robert Russell has failed to meet any of the requirements to establish diversity for subject matter jurisdiction by this court under § 28 U.S.C. 1332. He is unable to document any amount controversy—let alone in excess of \$75,000+--resulting from Defendants' alleged wrongdoing. Nor has he met the foundational requirement that he establish diversity of citizenship of the parties.

It is therefore respectfully submitted the complaint that is now before the court as Case No.: 2:20-cv-00263 is fatally and irreparably flawed on its face and should properly be dismissed without leave to amend.

Dated April 9, 2020

By: Joseph Samec :
Joseph Samec in Pro Se

838 North Charter Drive,
Covina, CA 91724
(626) 482-6173

DEFENDANT, JOSEPH SAMEC'S
MOTION TO DISMISS FOR LACK
OF SUBJECT MATTER JURISDICTION
28 U.S.C. 1332

JOSEPH SAMEC, PRO PER
838 NORTH CHARTER DR.
COVINA, CA 91724
626-482-6173

EXHIBITS

DEFENDANT, JOSEPH SAMEC'S
MOTION TO DISMISS FOR LACK
OF SUBJECT MATTER JURISDICTION
28 U.S.C. 1332

JOSEPH SAMEC, PRO PER
838 NORTH CHARTER DR.
COVINA, CA 91724
626-482-6173

EXHIBIT 1

Referenced

Page 12, Line 8, 9

Footnote, Page 3

US. Securities and Exchange Commission online press release:

Case No: 8:20-cv-00124 (C.D. filed January 21, 2020)

Securities and Exchange Commission v. Guy Scott Grifftithe, Robert William
Russell, Renewable Technologies Solution, Inc., Green Acres Pharms, LLC,
SMRB, LLC Defendants, and Sonja Marie Russell, Relief Defendant.

DEFENDANT, JOSEPH SAMEC'S
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626-482-6173



U.S. SECURITIES AND
EXCHANGE COMMISSION

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SEC Files Charges Against Scheme to Sell Fictitious Interests in Marijuana Company

Litigation Release No. 24722 / January 21, 2020

Securities and Exchange Commission v. Guy Scott Griffithe, Robert William Russell, Renewable Technologies Solution, Inc., Green Acres Pharms, LLC, and SMRB, LLC, Defendants, and Sonja Marie Russell, Relief Defendant, No. 8:20-cv-00124 (C.D. Cal. filed January 21, 2020)

The Securities and Exchange Commission today charged Guy S. Griffithe and Robert W. Russell, and three companies they controlled, for an alleged scheme that defrauded investors who thought they were purchasing interests in a Washington-licensed recreational cannabis company out of approximately \$4.85 million.

The SEC's complaint alleges that between August 2015 and December 2017, Griffithe, of California, used Renewable Technologies Solution, Inc., an entity he controlled, to sell investors purported ownership interests in SMRB LLC, a Washington company owned by Russell that held a license to grow marijuana under the state's

recreational cannabis laws. According to the complaint, Griffith and Russell led investors to believe their investments in Renewable would be used to operate SMRB, but in reality the securities did not convey any legitimate stake in SMRB. Instead, Griffith allegedly spent approximately \$1.8 million of investor funds on personal and unrelated business expenses, including payments toward several luxury cars for himself and a yacht for Russell. Griffith also allegedly deposited approximately \$1.7 million into Russell's personal bank accounts. To create the illusion that the marijuana business was profitable and paying dividends as promised, Griffith allegedly paid out purported profit distributions to some investors, which were partially funded in a Ponzi-like fashion using funds from other investors.

The SEC's complaint, filed in federal court in California, charges Griffith, Russell, Renewable, SMRB, and Green Acres Pharms LLC with violating the antifraud provisions of the federal securities laws. In addition, the complaint charges Griffith, Renewable, and Green Acres Pharms with violating the registration provisions of the federal securities laws. The complaint, which also names Russell's wife, Sonja Russell, as a relief defendant, seeks permanent injunctions, return of allegedly ill-gotten gains with prejudgment interest, and civil penalties.

The SEC's investigation was conducted by Adam Eisner, HelenAnne Listerman, and Shipra Wells. The investigation was supervised by Joshua Felker. Duane Thompson will conduct the litigation for the SEC under the supervision of Fred Block.

The SEC acknowledges the assistance of the Washington State Office of the Attorney General and Washington State Liquor and Cannabis Board.

- [SEC Complaint](#)
- **ENFORCEMENT**
 - [Accounting and Auditing Enforcement Releases](#)
 - [Administrative Proceedings](#)
 - [ALJ Initial Decisions](#)
 - [ALJ Orders](#)
 - [Amicus / Friend of the Court Briefs](#)
 - [Delinquent Filings](#)
 - [Fair Funds](#)
 - [Information for Harmed Investors](#)
 - [Litigation Releases](#)
 - [Opinions and Adjudicatory Orders](#)
 - [Receiverships](#)
 - [Stop Orders](#)
 - [Trading Suspensions](#)

Modified: January 21, 2020

EXHIBIT 2

Referenced

Page 6, Line 9

California Secretary of State Online Business Search Results.

Re: Green Acres Pharms, LLC

DEFENDANT, JOSEPH SAMEC'S
MOTION TO DISMISS FOR LACK
OF SUBJECT MATTER JURISDICTION
28 U.S.C. 1332

JOSEPH SAMEC, PRO PER
838 NORTH CHARTER DR.
COVINA, CA 91724
626-482-6173

DBA Name:

REGISTERED AGENT

Registered Agent Name	Street Address	Mailing Address
BUSINESS FILINGS INCORPORATED	711 CAPITOL WAY S, SUITE 204, OLYMPIA, WA, 98501, UNITED STATES	711 CAPITOL WAY S, SUITE 204, OLYMPIA, WA, 98501, UNITED STATES

PRINCIPAL OFFICE

Phone:

Email:

GUY@BRIDGEGATEPICTURES.COM

Street Address:

30251 GOLDEN LANTERN STE E405, LAGUNA NIGUEL, CA, 92677-5993, UNITED STATES

Mailing Address:

GOVERNORS

Title	Governor Type	Entity Name	First Name	Last Name
GOVERNOR	INDIVIDUAL		GUY	GRIFFITHE
GOVERNOR	INDIVIDUAL		ROBERT	RUSSELL

DATE OF FORMATION IN HOME JURISDICTION

Date of formation in its Home Jurisdiction:

02/01/2017**PERIOD OF DURATION IN HOME JURISDICTION**

Duration:

PERPETUAL**EFFECTIVE DATE**

Effective Date:

08/07/2018**NATURE OF BUSINESS**

Nature of Business:

ADMINISTRATION & BUSINESS SUPPORT SERVICES**TRANSFER OF REGISTRATION**For Transfer of Registration refer [RCW 23.95.545](#)**ANNUAL FEE CALCULATIONS**

Filing Name	Annual year	Fee
FOREIGN REGISTRATION STATEMENT		\$180.00



Filed
Secretary of State
State of Washington
Date Filed: 08/07/2018
Effective Date: 08/07/2018
UBI #: 604 093 783

FOREIGN REGISTRATION STATEMENT

BUSINESS INFORMATION

Business Name:

GREEN ACRES PHARMS LLC

UBI Number:

604 093 783

Business Type:

FOREIGN LIMITED LIABILITY COMPANY

Business Status:

ACTIVE

Principal Office Street Address:

30251 GOLDEN LANTERN STE E405, LAGUNA NIGUEL, CA, 92677-5993

Principal Office Mailing Address:

Expiration Date:

08/31/2019

Jurisdiction:

UNITED STATES, NEVADA

Formation/Registration Date:

08/07/2018

Period of Duration:

PERPETUAL

Inactive Date:

Nature of Business:

ADMINISTRATION & BUSINESS SUPPORT SERVICES

ENTITY NAME

Entity Name:

GREEN ACRES PHARMS LLC

JURISDICTION

Country:

UNITED STATES

State:

NEVADA

DOING BUSINESS AS (DBA) NAME RCW 23.95.525

REINSTATEMENTS, FOREIGN REGISTRATIONS ANNUAL REPORT FEE	02/28/2018	\$60.00
PROCESSING		\$20.00
		Total : \$260.00

RETURN ADDRESS FOR THIS FILING

Attention:

GUY GRIFFITHE

Email:

GUY@BRIDGEGATEPICTURES.COM

Address:

CERTIFICATE OF EXISTENCE

Document Type	Source	Created By	Created Date
CERTIFICATE OF EXISTENCE	ONLINE	GREEN ACRES PHARMS LLC	06/12/2018

STAFF CONSOLE - CERTIFICATE OF EXISTENCE IS INCLUDED

Certificate of Existence is included? - **Yes**

UPLOAD ADDITIONAL DOCUMENTS

Name	Document Type
Cert of Good Standing.pdf	

EMAIL OPT-IN

☐ I hereby opt into receiving all notifications from the Secretary of State for this entity via email only. I acknowledge that I will no longer receive paper notifications.

AUTHORIZED PERSON - STAFF CONSOLE

☒ Document is signed.

Person Type:

ENTITY

First Name:

GUY

Last Name:

GRIFFITHE

Entity Name:

GREEN ACRES PHARMS LLC

Title:

MANAGING MANAGER

Alex Padilla
California Secretary of State

Business Search - Entity Detail

The California Business Search is updated daily and reflects work processed through Monday, April 6, 2020. Please refer to document [Processing Times](#) for the received dates of filings currently being processed. The data provided is not a complete or certified record of an entity. Not all images are available online.

201704510123 GREEN ACRES PHARMS LLC

Registration Date:	02/02/2017
Jurisdiction:	NEVADA
Entity Type:	FOREIGN
Status:	SOS FORFEITED
Agent for Service of Process:	(AGENT RESIGNED 10/08/2019) *
Entity Address:	200 S MAIN STREET #305 CORONA CA 92882
Entity Mailing Address:	200 S MAIN STREET #305 CORONA CA 92882
LLC Management	*

Document Type	↕ File Date	↕ PDF
AMENDMENT	10/08/2019	
SI-COMPLETE	02/22/2017	
REGISTRATION	02/02/2017	

* Indicates the information is not contained in the California Secretary of State's database.

Note: If the agent for service of process is a corporation, the address of the agent may be requested by ordering a status report.

- For information on checking or reserving a name, refer to [Name Availability](#).
- If the image is not available online, for information on ordering a copy refer to [Information Requests](#).
- For information on ordering certificates, status reports, certified copies of documents and copies of documents not currently available in the Business Search or to request a more extensive search for records, refer to [Information Requests](#).
- For help with searching an entity name, refer to [Search Tips](#).
- For descriptions of the various fields and status types, refer to [Frequently Asked Questions](#).

[Modify Search](#)

[New Search](#)

[Back to Search Results](#)

EXHIBIT 3

Referenced

Page 8, Line 11, 12

Online Licensee Details. / License Information.

Re: Grandview Live

DEFENDANT, JOSEPH SAMEC'S
MOTION TO DISMISS FOR LACK
OF SUBJECT MATTER JURISDICTION
28 U.S.C. 1332

JOSEPH SAMEC, PRO PER
838 NORTH CHARTER DR.
COVINA, CA 91724
626-482-6173

5:25:41 PM 4/7/2020

Licensee Details**Licensee Information**

Name: **2D2G CORP (Primary Name)**
GRANDVIEW LIVE (DBA Name)

Main Address: **640 N. GRANDVIEW AVENUE**
DAYTONA BEACH Florida 32118

County: **VOLUSIA**

License Mailing: **640 N GRANDVIEW AVE**
DAYTONA BEACH SHORES FL 32118

County: **VOLUSIA**

LicenseLocation: **640 N. GRANDVIEW AVENUE**
DAYTONA BEACH FL 31118

County: **VOLUSIA**

License Information

License Type: **Retail Beverage**

Rank: **4COP**

License Number: **BEV7400230**

Status: **Current,Active**

Licensure Date: **01/08/2009**

Expires: **03/31/2021**

Special Qualifications	Qualification Effective
Invoice Sent	12/16/2008
Cash on Delivery	04/01/2020
Dual Beverage and Tobacco License	11/05/2008
Quota License	11/05/2008
Liens	
Stand-Alone Bar without Food	11/30/2015

Alternate Names[View Related License Information](#)[View License Complaint](#)

WAWD - Certificate of Service (Revised 12/27/12)

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON**

Robert Russell an individual

Plaintiff(s),

v.

Joseph Samec, an individual
Sean Bishop, an individual, and
Does 1 - 10

Defendant(s).

2:20-cv-00263

Case No. _____

CERTIFICATE OF SERVICE

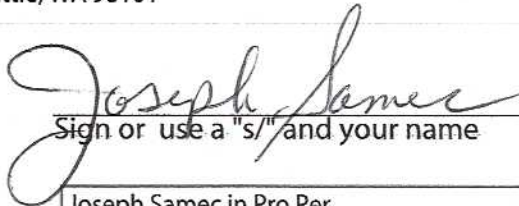
I hereby certify that on April 9, 2020 I electronically filed the foregoing
with the Clerk of the Court using the CM/ECF system which will send notification of such
filing to the following:

bthoreson@buchalter.com, mbrandt@buchalter.com, tsempel@buchalter.com,
docket@buchalter.com, kfitzgerald@buchalter.com

and I hereby certify that I have mailed by United States Postal Service the document to the
following non CM/ECF participants:

Brad Thoreson, Buchalter
1420 Fifth Ave., Suite 3100 Seattle, WA 98101

Dated April 9, 2020


Sign or use a "s/" and your name

Joseph Samec in Pro Per
838 N. Charter Dr.
Covina Ca 91724
626-482-6173
josephsamec5@gmail.com

Name, Address and Phone Number of Counsel or Pro Se